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10/596,449	09/04/2008	Eric Stievenard	28944/50040	6826
7590 05/07/2010				
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EXAMINER				
STALEY, KRISTINA N				
ART UNIT		PAPER NUMBER		
3611				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,449

Applicant(s)

STIEVENARD ET AL.

Examiner

KRISTINA STALEY

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date 9/20/2006
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Slater (US 4,122,954).

Referring to Claim 1: Slater discloses an object display device comprising: a leg (Figure 2, #10); a display panel (Figure 2, #12) presenting a mean plane and having a top face adapted to carry objects to be displayed and a bottom face (col. 2, lines 8-12); coupling means (Figure 4, #32) adapted to hinge the display panel (Figure 4, #12) to the leg (Figure 4, #20) so that the display panel can take up an inclined position in which it is inclined relative to the horizontal, the display panel further being adapted to pivot relative to the leg about a pivot axis that is normal to the mean plane, between at least first and second angular positions (col. 4, lines 21-30); and a locking mechanism (Figure 3, #80) adapted to lock said display panel in the first and second angular positions; the coupling means (Figure 3, #32, #76, #80) being disposed in part between the top face and the bottom face of the display panel (Figure 5).

Referring to Claim 2: Slater discloses that the coupling means comprise an inclination adjustment mechanism adapted to lock or release the display panel selectively in rotation about a horizontal axis (col. 3, lines 42-56 and col. 4, lines 32-38).

Referring to Claim 3: Slater discloses that the leg has a longitudinal axis (Figure 2, vertically through #10), and in which the longitudinal axis, the pivot axis (Figure 2, everything pivots at #32) and the horizontal axis (Figure 2, horizontal through #32) meet at a point of intersection lying between the top face and the bottom face of the display panel (Figure 2, everything pivots at #32, which is connected to tray at #76 Figure 3).

Referring to Claim 4: Slater discloses that the coupling means (Figure 3, #32, #76, #80) are disposed at the center of the bottom face of the display panel (Figure 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slater (US 4,122,954) as applied to claim 1 above, and further in view of Whitehouse et al. (US 5,555,660) (Whitehouse).

Referring to Claims 5 and 6: Slater teaches that the display panel (Figure 2, #12) can be positioned in first and second angular positions (Figure 2, for example, first angular position as shown, second with top #54 rotated to be facing down). Slater does not teach support modules that can fasten to the display panel at first and second angular positions forming the same angle as the first and second angular positions of the display panel. Whitehouse teaches a display panel (Figure 1, #8) with support modules that can be removably fastened to the top face of the display panel in any position forming any angle relative to first and second positions, including a perpendicular angle (col. 8-9, lines 62-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Whitehouse into the invention of Slater in order to provide a more versatile display with support modules that can be rearranged as desired to correspond to a selected rotation of the display panel. Such a modification of the display panel would have been a simple substitution of one known support module for another to obtain predictable results. *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007).

Referring to Claims 7 and 8: Slater does not teach that the support modules are attached to the display panel by magnetic means or by cooperating patterns. Whitehouse teaches a display panel (Figure 1, #8) with a top face provided with patterns (Figure 12, #9) that cooperate with complementary patterns (Figure 12, #28) belonging to an object support module (Figure 1, #26; col. 3, lines 17-24) or wherein the modules are fastened to the display panel in a removable manner by magnetic means (col. 9, lines 31-36). It would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the invention of Slater with the teachings of Whitehouse and simply substitute the slot connection means of Slater with the magnets or patterns of Whitehouse. Such a modification would have been a simple substitution of one known fastening means for another to obtain predictable results. *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007).

Referring to Claim 9: Slater further teaches that the object support modules are provided with wells (Figure 4, defined at #56) adapted to receive by interfitting objects to be displayed (col. 3, lines 58-64).

Referring to Claims 10-12: Slater teaches that the modules (Figure 3, defined by #60, #52, and #56) are of rectangular block shape of length a and width b, and in which the tip face of the display panel is of rectangular shape of length H and of width W (col. 3, lines 58-59). Slater does not teach the specifications of the dimensions. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the dimensions of any size necessary in order to fit the objects to be displayed (Slater, col. 3, lines 65-68). Such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINA STALEY whose telephone number is (571)270-7816. The examiner can normally be reached on Monday through Thursday, 8:00AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. S./
Examiner, Art Unit 3611

/Joanne Silbermann/
Primary Examiner, Art Unit 3611